

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

CITIBANK, N.A, AS TRUSTEE,)
)
Plaintiff,)
)
v.)
)
JOHN P. PHELAN, WENDY M. PHELAN,)
THE UNITED STATES OF AMERICA,)
O'CALLIGHAN CONSTRUCTION)
COMPANY, AND THE)
COMMONWEALTH OF)
MASSACHUSETTS' DEPARTMENT OF)
REVENUE,)
)
Defendants, and)
)
DAVID LA BRIE,)
)
Defendant and Cross-claimant)

Civil Action No. 4:05-CV-40045-FDS

**NOTICE THAT JOHN D. PHELAN NO LONGER RESIDES AT HIS ADDRESS OF
RECORD AND THAT THE U.S. POSTAL SERVICE HAS NO FORWARDING
ADDRESS FOR HIM AND REQUEST THAT THE CLERK THEREFORE ENTER HIS
AND OTHER NON-ANSWERING CROSS-CLAIM DEFENDANTS' DEFAULT
AS TO DAVID LA BRIE'S CROSS-CLAIM**

John D. Phelan represents himself *pro se* in this matter. His address of record in this case is 1 Catacunamaug Road; Shirley, MA; 01464. Defendant and cross-claimant David La Brie re-served his cross-claim and answers on Mr. Phelan at this address on June 13, 2005 (dkt. # 20) and further served his request for an entry of default against Mr. Phelan that same day (dkt # 18).

The U.S. Postal Service has returned both envelopes sent to Mr. Phelan with the notation that the mail was undeliverable for the above stated reasons.

In light of these facts, cross-claimant David LaBrie requests that the clerk now enter the requested default against Mr. Phelan and further against the other cross-claim defendants except for the United States with respect to Mr. La Brie's cross-claim against each.

Date: June 23, 2005

Respectfully submitted,

/s/ William M. Palmer

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ATTORNEY FOR DEFENDANT AND
CROSS-CLAIMAINT DAVID LA BRIE

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this document and exhibits A-B to the answer were served by first class mail on this 30th day of May on David M. Rosen, Esq.; Harmon Law Offices, P.C.; 150 California Street; Newton, MA; 02458, and on John J. Curley, Esq.; McEvilly & Curley; 48 West Street; Leominster, MA; 01453.

/s/ William M. Palmer

June 23, 2005

WILLIAM M. PALMER

DATED